

Attorney Docket No. 103003-200
U.S. Serial No. 10/825,076
Page 7 of 10

REMARKS

The Applicants thank Examiner Nguyen for the courtesy of a personal interview granted on October 15, 2008. The substance of that interview is contained in the remarks that follow.

In the present Office Action, claims 1-40 and 54 were drawn to non-elected groups subject to a restriction requirement. Notwithstanding the Applicants' traversal of the restriction requirement, the Examiner has repeated the restriction requirement and made it final. Accordingly, Applicants cancel claims 1-40 and 54 while retaining the right to file the non-elected claims in a divisional patent application. Claims 66-70 that depend from and further limit and define claim 27 are also members of a non-elected group. As those claims have been amended, as described in the following paragraph, their current status is withdrawn -- currently amended. However, claims 66-70 shall be cancelled prior to completion of prosecution on the merits of the present patent application.

The Examiner objected to misnumbered claims 59-69 noting that there were two claims numbered 59. The misnumbered claims have been renumbered 60-70 rendering the objection moot.

Claims 41-53 and 55-65 were rejected under 35 USC 103(a) as unpatentable over *Rhines* (US 5,613,564) in view of the *Italiane, et al.* (US 6,612,243). *Rhines* discloses a system to extinguish a fire in a confined space such as under the hood of a motor vehicle (*Rhines* at column 2, line 35) and optionally in a passenger compartment (*Rhines* at column 7, line 13). Both a sensor and an extinguisher are mounted to the vehicle and the fire extinguisher actuated based on conditions such as radiator movement (*Rhines* at column 3, line 16), rollover (*Rhines* at column 3, line 47) and high engine temperature (*Rhines* at column 3, line 50). The extinguisher and sensor are particularly directed to front end collisions (*Rhines* at column 2, line 11). Actuation of the *Rhines* fire extinguisher opens a valve through the use of a mechanical linkage via a solenoid 21 and handle 27 (*Rhines* at column 7, line 63). *Italiane* disclose a fire extinguisher for use in enclosed spaces having little free volume (*Italiane* at column 2, line 65). Such enclosed spaces include vehicle compartments where the suppressant is intended to fill the confined spaces (*Italiane* at column 5, line 6).

Attorney Docket No. 103003-200
U.S. Serial No. 10/825,076
Page 8 of 10

Applicants' claim 41, as amended, recites a fire suppression method that initiates when a rear end collision is sensed. As described in Applicants' specification from page 1, line 14 through page 2, line 9, a rear end collision presents a potential for hazardous events that are less likely following a front end collision or engine compartment fire. Such hazardous events include a fuel spill due to rupture of the fuel tank and fuel ignition / re-ignition due to sparking from metal sliding along the roadway.

There is nothing in the combination of *Rhines* and *Italiane* to teach or suggest dispersing a fire suppressant in response to a rear end collision, Applicants' claim 41 and the claims dependent therefrom should be allowed over the combination of references.

Applicants' claim 42 includes the step of delaying dispersing a fire suppressant following a collision and such a delay is believed to be contrary to conventional fire extinguishing wisdom of attacking the fire as quickly as possible. See, *Rhines* at column 2, line 38, where the suppression system is desirably activated "upon the occurrence of a collision, before a fire actually breaks out." Claim 42 should be allowed over the combination of references.

Claims 45, 46, 50 and 58 all recite activation dependent on a speed of the vehicle relative to the road surface. There is nothing in either *Rhines* or *Italiane* to teach or suggest a sensor that determines speed relative to the ground. These claims should be allowed over the combination of references. Claim 50 has been rewritten in independent form to include the limitations of claim 41 (before the present amendment), such that claim 50 is unchanged notwithstanding the present amendment to claim 41.

Claims 51 and 52 recite detection of a fuel spill. As the *Rhines* sensors do not contemplate a fuel spill, there is nothing in the combination of *Rhines* and *Italiane* to teach or suggest activation dependent on detection of a fuel spill.

For the foregoing reasons, Applicants' claims dependent from 41 should be deemed patentable.

Applicants' claim 55 discloses that the fire suppressant is distributed to at least one location about the vehicle body. "About" has numerous meanings, such as on all sides of,

Attorney Docket No. 103003-200

U.S. Serial No. 10/825,076

Page 9 of 10

around, around the outside, in the vicinity, and near. As both the *Rhines* reference and the *Italiane* reference disclose distributing the fire suppressant to an enclosed space within the vehicle body, both references teach away from a distribution system for conducting the fire suppressant to a location about the body. Applicants' claim 55 and the claims dependent therefrom should be allowed over the combination of references.

Further, claim 55 recites that the sensor system determines if the vehicle is moving subsequent to an impact. There is nothing in either *Rhines* or *Italiane* to teach or suggest a sensor that determines vehicle speed relative to the ground. Applicants' claim 55 and the claims dependent therefrom should be allowed over the combination of references.

In like fashion, claim 56 recites the step of sensing the vehicle's speed following impact. There is nothing in the combination of *Rhines* and *Italiane* to teach or suggest sensing the speed of a vehicle following an impact and claim 56 should be allowed over the combination of references.

While dependent claims 64 and 65 depend from and further limit and define claim 55, these claims particularly recite that the location about the body includes an underside of the vehicle. As both *Rhines* and *Italiane* disclose discharging the fire suppressant into an enclosed space within the vehicle, both references teach away from discharge to the underside of the vehicle. Applicants' claim 64 and 65 should be found patentable over the combination of references.

Accordingly, Applicants submit that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicants respectfully request reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

Suggestion of an Interference

Applicants' claim 55 is drawn to the same patentable subject matter as claims 1-12, 17-25 and 28-29 of United States Patent No. 7,198,111. Applicants' claims 50 and 56 are drawn to the

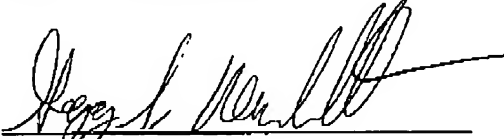
Attorney Docket No. 103003-200
U.S. Serial No. 10/825,076
Page 10 of 10

same patentable subject matter as claims 13-16 and 26-27 of United States Patent No. 7,198,111.
In accordance with 37 C.F.R. 41.202, Applicants respectfully suggest an interference.
Applicants note that the requirements of an Applicant under §41.202(a)(1-6) were complied with in a paper submitted to the USPTO on July 16, 2007 in the present application.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
Gary F. Holland, et al.



Gregory S. Rosenblatt
Reg. No. 32,489

Date: October 29, 2008

CONTACT INFORMATION:
WIGGIN & DANA LLP
One Century Tower
New Haven, CT 06508-1832
Telephone: (203) 498-4566
Facsimile: (203) 782-2889
Email: grosenblatt@wiggin.com

158922122101073.1